

Exhibit 15

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

CASE NO.: 23-cv-00425-WBS-CSK

JOSEPH COLON, SHANNON RAY,
KHALA TAYLOR, PETER ROBINSON, and
KATHERINE SEBBANE, individually and
on behalf of all those similarly
situated,

Plaintiffs,

vs.

NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION, an unincorporated association,
Defendant.

_____/

PORTIONS OF THE TRANSCRIPT HAVE BEEN
DESIGNATED AS CONFIDENTIAL

VIDEO-RECORDED

DEPOSITION OF: KATHERINE SEBBANE

DATE: October 28, 2024

TIME: COMMENCED: 10:05 a.m.

CONCLUDED: 5:10 p.m.

TAKEN BY: Defendant

PLACE: Veritext

800 North Magnolia Avenue

Suite 400

Orlando, Florida 32803

REPORTED BY: Mae Fisher, RMR, CRR

A P P E A R A N C E S:

YINKA ONAYEMI, ESQUIRE

Of: Fairmark Partners, LLP

1825 7th Street NW

#821

Washington, DC 20001

(619) 507-4182

Yinka@fairmarklaw.com

ROBERT GRALEWSKI JR., ESQUIRE

Of: Kirby McInerney LLP

1420 Kettner Boulevard

Suite 100

San Diego, California 92101

(858) 834-2044

Bgralewski@kmlp.com

Counsel for the COLON PLAINTIFFS

STEVEN BEREZNEY, ESQUIRE

Of: Korein Tillery, LLC

505 North 7th Street

Suite 3600

St. Louis, Missouri 63101

(314) 241-4844

Sberezney@koreintillery.com

(Via videoconference)

Counsel for the SMART PLAINTIFFS

MEGAN MCCREADIE, ESQUIRE

Of: Munger, Tolles & Olson LLP

560 Mission Street

27th Floor

San Francisco, California 94105-2907

(415) 512-4000

Megan.mccreadie@mto.com

Counsel for the DEFENDANT

ALSO PRESENT:

ALEX JACOBS

Videographer

1 please state them at the time of your appearance.

2 Counsel and all present, including remotely, will now
3 state their appearances and affiliations for the
4 record, beginning with the noticing attorney.

5 MS. MCCREADIE: Megan McCreadie from the law
6 firm Munger Tolles & Olson on behalf of the defendant
7 NCAA.

8 MR. ONAYEMI: Yinka Onayemi with Fairmark
9 Partners on behalf of the Colon plaintiffs.

10 MR. GRALEWSKI: Bob Gralewski, Kirby McInerney
11 on behalf of the witness and proposed class.

12 MR. BEREZNEY: Steve Berezney from Korein
13 Tillery on behalf of the Smart plaintiffs.

14 THE COURT REPORTER: Can you raise your right
15 hand, please.

16 Do you solemnly swear or affirm that the
17 testimony you are about to give in this cause will be
18 the truth, the whole truth, and nothing but the truth?

19 THE WITNESS: I do.

20 KATHERINE SEBBANE,
21 a witness herein, having been first duly sworn, was
22 examined, and testified as follows:

23 DIRECT EXAMINATION

24 BY MS. MCCREADIE:

25 Q. Good morning, Ms. Sebbane. My name is Megan

Page 6

1 MR. ONAYEMI: I'll just cut in here to say that
2 of course don't disclose any actual substance of
3 communications.

4 THE WITNESS: Three, three or four times.

5 BY MS. MCCREADIE:

6 Q. And roughly how long was each meeting?

7 A. I don't remember.

8 Q. Did you speak to anyone besides your counsel
9 about today's deposition?

10 A. No.

11 Q. Where did you grow up?

12 A. Maryland.

13 Q. Maryland?

14 A. Frederick, Maryland.

15 Q. And where do you currently live?

16 A. Sanford, Sanford, Florida.

17 Q. And that's like 20, 30 minutes from here?

18 A. Something like that, yeah.

19 Q. How long have you been in Sanford?

20 A. Six -- six, seven weeks.

21 Q. And why did you move to Sanford?

22 A. I'm completing a program to become an airline
23 pilot.

24 Q. Cool. And where were you before you moved to
25 Sanford six or seven weeks ago?

1 Q. So in summer of 2018, looks like you applied to
2 Seton Hill, to Penn. Do you remember any other coaching
3 positions to which you applied?

4 A. I believe Adrian College was in there at that
5 time.

6 Q. Where is Adrian College?

7 A. Michigan.

8 Q. Is it a DIII school?

9 A. It is.

10 Q. Was it a paid position at Adrian College to which
11 you applied?

12 A. It was.

13 Q. Did you get the job? Did you get the offer for
14 the job?

15 A. I believe I accepted the job at Seton Hill before
16 I went up to campus, so I -- I believe I was offered an
17 on-campus interview and I withdrew.

18 Q. So why -- why did you apply to Seton Hill?

19 A. I knew the head coach through coaching in
20 general. She was a new head coach there. I did always
21 like that area, the Pittsburghish-esque area. And the
22 program was really good. And it was my way into
23 Division II. And her and I saw eye to eye with some
24 coaching, and she really let me take control of a lot of
25 things and when I went to go visit, I like -- I loved

1 the school and it's -- they're also in a very
2 competitive Division II conference which is the
3 Pennsylvania State Athletic Conference, which was really
4 neat -- is still really neat.

5 Q. And are those same reasons the reasons why you
6 ended up choosing the Seton Hill position?

7 A. Yes.

8 Q. Any other -- sorry.

9 A. That was the Seton Hill position, yes.

10 Q. Yes. And are there any other reasons you chose
11 the Seton Hill position ultimately?

12 A. I think that covered -- I think that covered it,
13 yeah.

14 Q. Seton Hill position was paid, correct?

15 A. Correct.

16 Q. What was the compensation?

17 A. I believe it was -- I believe it was 10 --
18 10,000, 12,000, 10,000.

19 Q. Is that a year?

20 A. Yeah. Yes.

21 Q. Was it a part-time position?

22 A. It was a part-time position, yes.

23 Q. And what were the hours?

24 A. I would say similar to Misericordia. It was --
25 but then in the fall time, it was more -- it was more

1 need at the University of Pittsburgh and I knew one of
2 the staff members and I essentially -- from there, I
3 essentially applied for the position.

4 Q. What coaching need had you heard there was at the
5 University of Pittsburgh?

6 A. They had -- their volunteer assistant I believe
7 ended up going to go play in Australia and they needed
8 somebody to work with defense.

9 Q. So you had heard that there was a opening for a
10 volunteer assistant position at Pittsburgh?

11 A. Correct.

12 Q. And I think you mentioned knowing somebody who
13 was on staff at Pittsburgh. Who did you know?

14 A. Very informally, Jillian Van Wagnen.

15 Q. And she was an assistant coach for the softball
16 team at Pittsburgh at the time?

17 A. Correct.

18 Q. Did you apply to any other coaching positions
19 around this time, spring or summer of 2019?

20 A. I did.

21 Q. What other positions did you apply to?

22 A. I believe I applied to Dartmouth and I applied to
23 West Point.

24 Q. Those are both also DI schools?

25 A. Yes.

1 Q. As is -- as is the University of Pittsburgh?

2 A. Yes.

3 Q. Was the Dartmouth position paid?

4 A. Yes.

5 Q. Was the West Point position paid?

6 A. I don't -- yes.

7 Q. Do you recall the salary for the West Point
8 position?

9 A. I don't.

10 Q. Do you recall the salary for the Dartmouth
11 position?

12 A. I recall a range. I don't remember the exact
13 amount.

14 Q. What was the range that you recall?

15 A. Around 30,000.

16 Q. Did you receive offers at either Dartmouth or
17 West Point?

18 A. Dartmouth.

19 Q. But not at West Point?

20 A. Correct.

21 Q. Did you have to submit a formal application for
22 the Pittsburgh position?

23 A. What do you mean by that?

24 Q. Was there -- you know, did you have to submit a
25 resume or any sort of application materials to

1 Pittsburgh?

2 A. I submitted material to the head coach, yes.

3 Q. Did you interview for the position?

4 A. I did.

5 Q. With whom did you interview?

6 A. Jodi Hermanek.

7 Q. And she was the head coach of the softball team
8 at the time?

9 A. Correct.

10 Q. Had others applied for the volunteer position at
11 Pittsburgh?

12 MR. ONAYEMI: Object to form. Calls for
13 speculation.

14 THE WITNESS: I'm not the head coach so I have
15 no idea.

16 BY MS. MCCREADIE:

17 Q. You don't remember hearing if anyone else
18 applied?

19 A. Not that I can recall, no.

20 Q. Was the application process to become a volunteer
21 coach different from the application process to become a
22 assistant coach of Pittsburgh?

23 MR. ONAYEMI: Object to form. Calls for
24 speculation, lacks foundation.

25 THE WITNESS: I wouldn't know.

1 BY MS. MCCREADIE:

2 Q. Because you never applied to be an assistant
3 coach at Pittsburgh, a paid assistant coach at
4 Pittsburgh?

5 A. Correct.

6 Q. Who had ultimate authority in choosing whether to
7 hire you as a volunteer?

8 MR. ONAYEMI: Object to form. Vague and
9 ambiguous, calls for speculation.

10 THE WITNESS: Could you repeat the question?

11 I'm sorry.

12 BY MS. MCCREADIE:

13 Q. Who had the ultimate authority to pick you to be
14 the volunteer coach at Pittsburgh?

15 A. That, I -- I'm not sure.

16 Q. Did Ms. Hermanek have hiring authority?

17 A. She offered me the position.

18 Q. Did you ever receive feedback about why you were
19 chosen for the volunteer position at Pittsburgh?

20 A. Yes.

21 Q. What was that feedback?

22 A. She liked -- she liked that I worked with
23 infield. She liked my infield philosophy. She liked
24 that I was a defensive specialist. And she liked my
25 experience and my track record in my past.

1 Q. What do you mean by your track record in your
2 past?

3 A. I took -- I took defensive teams that had less
4 than a 900 fielding percentage and we had close -- we
5 had an over 95 percent fielding percentage.

6 Q. So you mean at your time at Misericordia and
7 Seton Hill?

8 A. Yep.

9 Q. And when you were talking about the person who
10 gave you this feedback, that was Ms. Hermanek?

11 A. Correct.

12 Q. So it says like in the summer of 2019, you were
13 choosing between the volunteer position at Pittsburgh
14 and the assistant coach position at Dartmouth, correct?

15 A. Correct.

16 Q. Why did you end up choosing the Pittsburgh
17 position?

18 A. Multiple reasons. Opportunity to coach in the
19 ACC. University of Pittsburgh is right up the road.
20 And she offered me first.

21 Q. But did you receive an offer from Dartmouth
22 before you chose the Pittsburgh position?

23 A. Did I --

24 Q. Let me rephrase.

25 A. Sorry.

1 Q. Did you receive an offer of employment from
2 Dartmouth before you accepted the Pittsburgh position?

3 A. Yes.

4 Q. Dartmouth -- Dartmouth is in New Hampshire,
5 correct?

6 A. Yes. Or Vermont -- yeah. New Hampshire.

7 Q. It's either in Vermont or New Hampshire.

8 And did you -- did you have a preference for
9 staying in the Pittsburgh area?

10 A. Yes.

11 Q. You didn't want to move to somewhere quite so
12 remote?

13 A. Yes.

14 Q. At the time you were offered the Pittsburgh
15 position, were you told that the position would be for a
16 certain number of years?

17 A. No.

18 Q. There was no -- no given end date that you were
19 told?

20 A. Correct.

21 Q. And when you agreed to become a volunteer coach
22 at Pittsburgh, you knew that the position was unpaid,
23 correct?

24 A. Correct.

25 MS. MCCREADIE: I'll introduce another exhibit.

1 THE WITNESS: Thank you.

2 BY MS. MCCREADIE:

3 Q. This is Plaintiffs' Second Amended Objections and
4 Responses to Defendant's Second Set of Interrogatories.

5 Have you seen these before?

6 A. Yes.

7 Q. If you would flip to page 6, please -- or, I'm
8 sorry, page 3.

9 A. Page 3?

10 Q. Um-hmm. Okay. And you see Interrogatory No. 6
11 towards the top of the page?

12 A. Yes.

13 Q. And it says, For each of you individually,
14 identify all paid sports-related positions to which you
15 have applied and the compensation for those positions.

16 Correct?

17 A. Correct.

18 Q. Okay. And your response begins at the bottom of
19 the page?

20 A. Yes.

21 Q. All right. And it reads, Ms. Sebbane applied for
22 the following positions: Volunteer assistant softball
23 coach position at University of Pittsburgh, assistant
24 softball coach at Emory University, assistant softball
25 coach at Columbia University, head softball coach at

Page 189

1 Brandeis University, assistant softball coach at
2 Muskingum University, assistant softball coach at
3 Dartmouth College, assistant softball coach at
4 University of Pennsylvania, assistant softball coach at
5 Adrian College, head softball coach at Salisbury
6 University, assistant softball coach at Chico State,
7 assistant softball coach at Lynn University, assistant
8 softball coach at West Point Academy. Ms. Sebbane does
9 not recall specific salary advertisements for each of
10 these.

11 Did I read that correctly?

12 A. Yes.

13 Q. Okay. And then there's a brief amendment and
14 that says, Ms. Sebbane also applied for a position on
15 the coaching staff at Thiel College.

16 Did I read that correctly?

17 A. Thiel.

18 Q. Thiel College.

19 A. Right.

20 Q. I was not guessing that.

21 But between both your original response and your
22 amended respond, does this list all collegiate softball
23 coaching positions to which you applied?

24 A. Yes.

25 Q. Okay. Do you know what the advertised salary was

1 for the Thiel College coaching position?

2 A. I don't recall.

3 Q. And were these all full-time positions?

4 A. Some were, some weren't.

5 Q. Do you remember which ones were not?

6 A. Were not full-time?

7 Q. Correct.

8 A. Actually, I really -- I really don't remember.

9 Q. So these schools listed, Chico State and Lynn
10 University are DII, correct?

11 A. Correct.

12 Q. And then Emory, Brandeis, Muskingum, Adrian,
13 Salisbury and Thiel are DIII?

14 A. Correct.

15 Q. Okay. And then Pittsburgh, Columbus, Dartmouth,
16 University of Pennsylvania and West Point are
17 Division I, correct?

18 A. Correct.

19 Q. All right. Could you look back at Exhibit 21.
20 That is a related interrogatory response.

21 A. Yes.

22 Q. Can you look at page 12, please. Do you see
23 Interrogatory No. 7?

24 A. Yes.

25 Q. Says, For each of you individually, identify all

1 paid sports-related positions you were offered and the
2 compensation you were offered.

3 Correct?

4 A. Yes.

5 Q. Could you flip to page 13.

6 A. Yes.

7 Q. All right. So this says for you, Ms. Sebbane was
8 offered positions at University of Pittsburgh, zero
9 salary, Muskingum University, approximately 40,000
10 salary, Dartmouth College, approximately 30,000 salary
11 and Adrian College, approximately \$25,000 salary.

12 Did I read that correctly?

13 A. Yes.

14 Q. And is that -- this accurate, which is to say did
15 you receive offers from any of the other institutions
16 listed in your responses to Interrogatory No. 6?

17 A. This is accurate.

18 Q. Okay. So of the ones you've listed here, we've
19 already spoken about the Pittsburgh, Penn, Dartmouth and
20 Muskingum positions, correct?

21 A. Correct.

22 Q. I think we also briefly touched on the Adrian
23 College offer.

24 A. Correct.

25 Q. You received that in 2018, around the same time

1 A. The only one I remember was West Point, but they
2 were going through a head coaching change and it was
3 a -- it was a whole mess, so it wasn't a me issue. But
4 the rest, no.

5 Q. Okay. And what did the folks at West Point tell
6 you about your application?

7 A. That it would be passed on to the next, I think,
8 head coach that they were in the process of hiring and I
9 just didn't want to wait any longer so I withdrew.

10 Q. And you took the Pittsburgh position instead?

11 A. I don't remember when I applied for that job.

12 Q. So you've applied for DII positions in the past,
13 correct, and have coached a DII?

14 A. Correct.

15 Q. What skills are required to coach a DII?

16 MR. ONAYEMI: Object to form. Lacks
17 foundation, calls for speculation, it's vague and
18 ambiguous.

19 THE WITNESS: Really whatever the hiring --
20 whoever's hiring wants. So I can't really -- I can't
21 really speak to that.

22 BY MS. MCCREADIE:

23 Q. So it can vary, depending on who is hiring?

24 A. Correct.

25 Q. How can it vary?

1 MR. ONAYEMI: Object to form. Calls for
2 speculation -- calls for speculation, lacks
3 foundation.

4 THE WITNESS: Really, it's personal preference.

5 BY MS. MCCREADIE:

6 Q. So different coaches can prefer different skills
7 in coaches?

8 MR. ONAYEMI: Object to form. Calls for
9 speculation and it lacks foundation.

10 THE WITNESS: Correct.

11 BY MS. MCCREADIE:

12 Q. Okay. And different -- different teams might
13 have different needs in terms of coaches at any
14 particular time? Is that fair to say?

15 MR. ONAYEMI: Object to form. Calls for
16 speculation and it lacks foundation.

17 THE WITNESS: Correct.

18 BY MS. MCCREADIE:

19 Q. And different softball coaches or people applying
20 for softball coach positions can have different
21 strengths and weaknesses as a coach?

22 MR. ONAYEMI: Object to form. Incomplete
23 hypothetical, calls for speculation and lacks
24 foundation.

25 THE WITNESS: Correct.

1 BY MS. MCCREADIE:

2 Q. So which coach a head softball coach hires can
3 depend on who the coach thinks he or she can work best
4 with; would that be fair to say?

5 MR. ONAYEMI: Object to form. Lacks
6 foundation, calls for speculation.

7 THE WITNESS: Correct.

8 BY MS. MCCREADIE:

9 Q. And does which coach a head coach decides to
10 hire --

11 (Court reporter clarification.)

12 BY MS. MCCREADIE:

13 Q. And does which coach a head softball coach decide
14 to hire depend on how the potential hire fits in with
15 the existing coaching staff?

16 MR. ONAYEMI: Object to form. Calls for
17 speculation and it lacks foundation.

18 THE WITNESS: You're asking if the coach
19 determines whether that person being hired is a good
20 fit?

21 BY MS. MCCREADIE:

22 Q. Yes.

23 MR. ONAYEMI: Same objections, if that's a
24 question.

25 THE WITNESS: It's whatever their preferences

1 are.

2 BY MS. MCCREADIE:

3 Q. And in order to know who is going to be hired as
4 an assistant softball coach, would you have to look at
5 all the applications for the position?

6 MR. ONAYEMI: Object to form. Calls for
7 speculation and it lacks foundation.

8 THE WITNESS: I'm not a hiring person so I
9 don't know what the -- I don't know what the
10 legalities of that would be.

11 BY MS. MCCREADIE:

12 Q. But as a practical matter, were you a head coach,
13 would you need to look at all the applications for a
14 position before deciding on who to hire?

15 MR. ONAYEMI: Object to form. It calls for
16 speculation and lacks foundation. It's an incomplete
17 hypothetical.

18 THE WITNESS: I'm not a head coach, nor have I
19 been, so I have no clue.

20 BY MS. MCCREADIE:

21 Q. If you were a head softball coach, how would you
22 go about deciding who to hire as an assistant softball
23 coach?

24 MR. ONAYEMI: Object to form. Calls for
25 speculation, lacks foundation. It's an incomplete

CERTIFICATE OF OATH

STATE OF FLORIDA)

COUNTY OF ORANGE)

I, MAE FISHER, Registered Merit Reporter,
Certified Realtime Reporter and Notary Public, State of
Florida, certify that KATHERINE SEBBANE personally
appeared before me on October 28, 2024, and was duly
sworn/affirmed.

WITNESS my hand and official seal this 7th day of
November, 2024.



MAE FISHER, RMR, CRR

Notary Public - State of Florida

Commission HH 443649

Expires: January 8, 2028

Personally known _____

OR Produced Identification X_____

Type of Identification Produced Driver's license

TRANSCRIPT CERTIFICATE

STATE OF FLORIDA)
COUNTY OF ORANGE)

I, MAE FISHER, Registered Merit Reporter,
Certified Realtime Reporter and Notary Public, State of
Florida, certify that I was authorized to and did
stenographically report the deposition of Katherine
Sebbane; that a review of the transcript was not
requested; and the foregoing transcript, pages 5 through
238, is a true record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative,
employee, attorney, or counsel of any of the parties,
nor am I a relative or employee of any of the parties'
attorney or counsel connected with the action, nor am I
financially interested in the action.

DATED this 7th day of November, 2024, at Orlando,
Orange County, Florida.



MAE FISHER, Notary Public
State of Florida